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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO.49 OF 1994

The Commissioner of Income tax ..Applicant.

V/s.

M/s.Abex Tubes P. Ltd. ..Respondent.

Mr.Ashok Kotangale for applicant.

CORAM : F.I.REBELLO AND
J.P.DEVADHAR, JJ.

DATED : 1ST AUGUST, 2007.

P.C. :-

. The following question was referred to us our consideration :-

> " Whether, on the facts and in the circumstances of the caee, the Income-tax Appellate Tribunal was right in law in holding that additional depreciation allowed to the assessee should not be taken into account for working out W.D.V. of the assets for the purposes of computation of relief under section 80J of the Income-tax Act?"

2. Learned counsel for the applicant drew our attention to the Judgment of this Court in the case of **Scoop Industries P. Ltd. V/s. Income-Tax Officer** reported in **289 I.T.R. 195 (Bom.)**. In the light of the ratio of the said Judgment, the reference is answered in negative i.e. in favour of the revenue and against the assessee.

3. Reference disposed of accordingly.

(F.I.REBELL0, J.)

(J.P.DEVADHAR, J.)